

## ROLE OF GENDER SENSITIVE REFUGEE REHABILITATION POLICIES TO BUILD A MORE EQUAL WORLD

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### ABSTRACT

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*In pursuit of a quality life devoid of violence, conflicts, fears of persecution on ground of religion, colour and nationality, men, women and children have been migrating in gigantic numbers and the global forced displacement data released by UNHCR establishes it too without any doubt by quoting that 89.3 million people have migrated by the end of 2021. The picture even got grimmer after recent migration of Ukrainians and number reaching to more than 100 million refugees. If this data is unsettling, think about fate of world's biggest minority i.e. women and girls constituting around 50% of total refugee population, who have been discriminated and subjected to all sorts of crimes and inhuman treatment. The range of traumatic experiences they suffer in country of origin, during migration and after they arrive in host country is innumerable resulting from systematic rapes, sexual assault and torture, sexual slavery, trafficking, early and forced marriage, female genital mutilation. The international agencies acknowledge their plight and many conventions have also been framed but not much has been achieved. To secure better world with equal right to dignified life, gender sensitive policies for refugees are necessary and for their implementation it is must that equal representation shall be given to women. In this paper the researcher shall address the vulnerabilities, challenges faced by refugee women and also analyse the role of gender sensitive policies in protecting them and ensuring their inclusion in society.*

**Keywords:** *Women Refugee; Gender Mainstreaming; Migration; UNHCR; Violence.*

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## ROLE OF GENDER SENSITIVE REFUGEE REHABILITATION POLICIES TO BUILD A MORE EQUAL WORLD

### *Introduction*

The term "home" may just be four characters long, yet it represents millions of dreams and desires for an individual or family and when people are forced to abandon it because of the actions of others, be it against a community or the environment, it causes a great deal of suffering. With everything spiralling forward, we as human beings have put to shame the meaning and concept of a world community and the ever increasing displaced population and their human rights violations is an eye-opening evidence of the same. The global forced displacement data released by United Nations High Commissioner for Refugees is mind boggling, stating that the total number of people who were forced to leave their homes due to violence, conflicts, human rights violations and fear of persecution was 89.3 million at the end of 2021, twice the number of 42.7 million people who got displaced since the World war II. The picture got grimmer after recent migration of Ukrainians and number reaching to more than 100 million people as refugees. Now if this data is unsettling, think about the vulnerability of women and girls, constituting around 50% of refugee, internally displaced and stateless population and who are mostly unaccompanied, pregnant and heads of households.<sup>1</sup> During catastrophic events such as war, natural disasters, and civil unrest, women are always at greater risk of facing discrimination, violence and abuse in form of physical, sexual, economical and psychological. This shocking disparity is also discussed by the Women's Refugee Commission by stating that "Women's economic and social position is weakened even before a crisis by discrimination, reducing their capacity to survive, to heed warnings, and to avoid danger."<sup>2</sup>

Women refugees face a distinct set of challenges, but these are never addressed in international documents and policies. They've never been viewed as a group that's been targeted for violence more often than men, sometimes due to the fact of their womanhood alone. Gender has been largely ignored in discussions and debates around asylum seekers and

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<sup>1</sup> High Commissioner for Refugees UN, "UNHCR- Women" <<https://www.unhcr.org/women.html>> accessed September 27, 2022.

<sup>2</sup> Margaret A. Maclaren, '*Decolonizing Feminism: Transnational Feminism and Globalization*' (United Kingdom: Rowman & Littlefield International, 2017).

refugees for quite some time and it is partly because of way the Convention Relating to the Status of Refugees, 1951 is drafted. According to the Convention, a refugee is someone who has been persecuted for their political beliefs or activities by a totalitarian state and therefore people who are forced to escape their homes because of hostilities on the national or international level were not anticipated to be refugees. The challenges that women face in obtaining refugee status are a direct result of these restrictions on the definition of a refugee, which continue to have significant modern-day repercussions. Like any other international human rights accords, the 1951 Refugee Convention has been criticised for ignoring the needs of women and focusing instead on the experiences of men.<sup>3</sup> It was quite evident from discussions that took place during formulation of its draft and proposal of Yugoslavia delegate upon inclusion of words 'or sex' in Article 3 as ground of discrimination in application of the Convention was rapidly dismissed with an explanation that gender equality is an issue for individual countries to decide upon and because the then-UN High Commissioner for Refugees, Goedhart, expressed serious scepticism as to "whether there would be any cases of persecution on account of sex."<sup>4</sup> This failure to address gender at the outset has caused women refugee to stay in denial about their rights. However later the needs of women refugees and gender issues in the asylum and refugee process has been prioritised by the United Nations High Commissioner for Refugees but actual action on this front has been gradual and piecemeal.

### ***Paradox of Women Refugee: Surviving Silently Amidst Crisis***

Who is migrating or fleeing, why, and how, as well as where they end up, are all affected by a person's gender, as well as their position within the broader social construct of gender roles, relations, and disparities. Risks and threats that male and female refugees face, how they react, and the procedures in place to protect them are all influenced by their gender.<sup>5</sup> In last few years a steady increase has been seen in numbers of women and girls migrating, seeking asylum either alone or accompanied by their family members. It might be in aspiration of better employment, educational opportunities, sometimes to join their family or to escape abuse or persecution in their own countries, whatsoever be the reason, they all remain

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<sup>3</sup> Tickner, J Ann, *'Gendering world politics: issues and approaches in the post Cold-War era'* (New York: Columbia University Press, 2001).

<sup>4</sup> Spijkerboer & Thomas, *'Gender and refugee status'* (Aldershot, UK: Ashgate 2001) <<https://www.taylorfrancis.com/books/mono/10.4324/9781315254692/gender-refugee-status-thomas-spijkerboer>> accessed 15 October, 2022.

<sup>5</sup> Gender Section of UNICEF Europe and Central Asia Regional Office, *Making the invisible visible* (March 2020) <<https://www.unicef.org/eca/media/10676/file/This%20Analysis.pdf>> accessed 15 October, 2022.

susceptible to gender based violence and sexual, physical or psychological exploitation throughout their journey. Still their peril was not even acknowledged initially at the international front. The 1951 Refugee Convention defines the refugee as “*any person who resides outside country of his nationality because of reasonable apprehensions of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, and is even unable or unwilling to avail himself of the protection of that country; or who doesn't have a nationality and since stays outside the country of his former habitual residence as a result of such events, is unable or unwilling to return to it.*”<sup>6</sup> Now if we look at the definition it is apparent that during its formulation there must had been discussions about men being target of such persecution and not much attention was paid to women as a community suffering altogether and therefore no special mention was made for women who experience the discrimination and violations of human rights on ground of their gender occurring frequently in the privacy and safety of their own homes.

In light of this, the existing international definition of refugee even makes it challenging for women to claim refugee status, who are subjected to harsh, cruel & inhumane treatment because either they have violated their society's laws or some established norms defining conduct and life of women. It also doesn't consider women fleeing because of aftermath of hunger, civil war and environmental disaster as they suffer disproportionately for the same. Moreover, the primary requirements for being a refugee are drawn from the arena of public life, which is still dominated by men in many societies and thus women have a lower likelihood of acquiring refugee status. The convention nowhere addressed the situation where discrimination concerning grant of refugee status can be made on ground that a women doesn't fall in enumerated and only in introductory note to convention, the United Nations High Commissioner for Refugees has established that the developments in international human rights law also reinforce the principle that the Convention be applied without discrimination as to sex, age, disability, sexuality, or other prohibited grounds of discrimination.<sup>7</sup> Further it could be seen that refugees are not a homogenous group and they differ from one another in a wide variety of ways, including culture, language, ethnicity, politics, and religion and also person's gender and therefore the nature of definition of refugee should not be exhaustive in nature and seeing the changing scenario it should be more inclusive.

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<sup>6</sup> United Nation Convention Relating to the Status of Refugees, 1951, Article 1 A(2)

<sup>7</sup> United Nation Convention Relating to the Status of Refugees, 1951

H. Crawley has even stated that “as a result of the symbolic significance of gender roles, women are disproportionately subjected to acts of violence. In this way, the violation of women's bodies can be seen as a metaphor for the violation of a nation. Sexual assault, including rape, is generally employed as a military technique to humiliate and demoralise an opponent and women's bodies have become the battleground for 'pay backs,' therefore signifying the power of one group over another, and this is especially true during times of war. To protect them from such heinous acts, sexual violence and rape should not be seen as merely an expression or a consequence of war, but as a weapon and a tactic in itself.”<sup>8</sup> To address these issues and shortcomings in international refugee selection because of gender gap, the United Nations High Commissioner for Refugees launched the Women at Risk programme in the mid-1980s and primary focus was given to the women in refugee camps who are at risk of harassment, physical/sexual abuse, or refoulement. In October 1995, the States were encouraged to adopt and follow guidelines on how to respond to gender-based persecution. It was asserted that women claiming refugee status shall not be met with discrimination when it is based on reasons enumerated in the 1951 Convention and 1967 Protocol, including persecution through sexual violence or gender-related persecution.<sup>9</sup> The UNHCR in its handbook has even established that discrimination can be considered persecution if it “leads to consequences of a substantially prejudicial nature for the person concerned, e.g., serious restrictions on his right to earn a livelihood, his right to practise religion, or his access to normally available educational facilities.” Law, social custom and individual actions all contribute to the perpetuation of sex-based discrimination, which is also breach of the rights guaranteed by the Convention on the Elimination of All Forms of Discrimination against Women.<sup>10</sup>

### ***Refugee Women: Struggle and Challenges during, before & after transit***

- The gruesome tale of abuse and violence for refugee women began at home and when she leaves that place in search of safe abode she is once again subjected to inhumane treatment comprising of rape, sexual violence and abuse, and in some circumstances even during repatriation, rehabilitation and reintegration operations. They face violence at hands of army officials, immigration personnel, bandits, pirates, male refugees, and members of

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<sup>8</sup> Rodger Haines, *Gender Related Persecution*, Global Consultations on International Protection <<https://www.refworld.org/pdfid/470a33b50.pdf>> accessed 18 October, 2022

<sup>9</sup> Haines, *Gender*..(n 8).

<sup>10</sup> UNHCR, *Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees* (7 May 2002)

competing ethnic groups. They are forced for sexual favours in return of providing assistance, documentation and protection. The UNHCR has also noted the practise of “transactional sex”, with women being forced to swap sexual relations in return for help on their passage to destination Nation.<sup>11</sup> In a report, women refugees from Burundi in the established camp of Kenembwa in Tanzania have mentioned about experiencing violence at the hands of police, soldiers, other refugees, and even their own husbands. One woman even spoke of experiencing rape at the hands of a nongovernmental security staff member in the camp.<sup>12</sup>

- The life at refugee camps for women is also not easy and their problems get compounded again, sometimes due to camp’s layout and location, female refugees find themselves at a higher risk of sexual assault, camps being placed far from local population causes hindrance in access to adequate protection, their daily chores of fetching water or collecting firewood from premises located outside the camp put them in vulnerable spot. Victims of such sexual and physical violence in most refugee camps have little to no protection because there is no reliable reporting mechanism and there is still confusion concerning personnel to whom such report can be made.
- The loss of family or head of household cause great dislocation in everyone lives especially in life of a woman who then becomes responsible for everything. The dissolution of family and social system from where they came makes them more vulnerable and their physical and psychological safety got compromised. In order to provide for food, shelter and other things in host Nation, single or widowed women are then compelled to enter into abusive relationships and forced into prostitution and illicit drug trafficking. The majority of female refugees, especially those living in metropolitan areas, have had to take on new tasks outside the home which also means imbibing and adjusting to new social, cultural norms, values and customs. Many of them enter into forceful marital arrangements for adequate male support that can look after children and her family.<sup>13</sup>

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<sup>11</sup> Jane Freedman , ‘Mainstreaming gender in refugee protection’ [2010] 23(4) CRIA  
<<https://www.tandfonline.com/doi/full/10.1016/j.rhm.2016.05.003>> accessed 18 October, 2022

<sup>12</sup> Rose Delaney, ‘The paradox of refuge: Rise of gender-based violence in times of crisis’(21 June, 2016)  
<<https://reliefweb.int/report/world/paradox-refuge-rise-gender-based-violence-times-crisis>>accessed 19 October, 2022

<sup>13</sup> Dislocated Subjects: The Story of Refugee Women (Refugee watch, June 2000)  
<<http://www.mcrg.ac.in/dislocated%20subjects%20refugee%20women.pdf>> accessed 20 October,2022

- The disruption, dislocation of family and breakdown of traditional gender norms breeds lack of stability and security amongst family members. The loss of authority causes many men to resort to domestic violence in an effort to reclaim their sense of self and place in the world. The incidents of violence comprised of bruises, grievous hurt, forced sexual intercourse are common amongst refugee families and women chose to stay silent due to social stigma and cultural relativism that makes domestic violence as a marital act. Another reason that discourages refugee women from reporting violence against them is the fear of getting involved in a legal process of country providing refuge without the advantage of a specific legal status.
- The process of resettlement and finding a safe place in host country often pose great challenge to refugee women. For approval of a resettlement application, acceptance of refugee status is crucial and it gets difficult because most asylum applications made by women are based on the actions of male relatives who put their lives in jeopardy. In other instances, insufficient data was collected due to an inability to conduct interviews on an equal footing between the sexes. Cultural restraints, taboos, and the fear of being re-victimized all play a role in keeping refugee women from speaking freely about their identity. Asylum women who are widowed or otherwise single sometimes marry refugees whose own claims are weaker. After getting married, most men take on the role of primary applicant on their spouse's refugee certificate, making them legally responsible for the welfare of their spouse and any children they may have. The primary issue with this strategy is the potential consequences it can have on successful resettlement.

### ***Realising the Significance of Gender Specific Approach in Refugee Policies & Practices***

In 1980, at the United Nation mid-decade summit in Copenhagen, attention was first drawn specifically to the plight of women refugees. The Copenhagen summit focused on the obligation of states to prosecute those who abuse refugee women and children and to take measures to avoid such abuse, given that women and children make up the majority of the refugee population and have specific needs.<sup>14</sup> It was recommended that the UNHCR, in conjunction with other relevant UN agencies, shall formulate policies to address the unique concerns of female refugees and internally displaced persons. It was the first time that gender has been put on map of refugee protection measures and the misery of ‘boat people’ notably

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<sup>14</sup> UN, *World Conference of the United Nations Decade for Women: Equality, Development and Peace* (The United Nations and the Advancement of Women 1980).

women during massive forced migrations from Southeast Asia raised concern towards vulnerability of women on the boats, who were at risk of sexual violence and rape if the boats were attacked by pirates.<sup>15</sup>

The subject of women refugees first appeared officially on the agenda of the UNHCR Executive Committee in 1985 and it was emphasised that the UNHCR and the host government should pay special attention to the protection of refugee women under "Refugee Women and International Protection."<sup>16</sup>It was agreed that the refugee requirements stated in the pre-existing international refugee instruments were overly broad and did not differentiate between the unique protection issues that women refugees face. The significance of women's active participation in refugee support programmes, as programme agents and programme beneficiaries was also highlighted and a Steering Committee on Refugee Women was constituted to design, direct the assessment of, refugee women-friendly policies and activities.<sup>17</sup> In addition to it, the UNHCR launched a specialised staff training programme to emphasise the incorporation of gender considerations into the design of refugee aid programmes and for determination of refugee on basis of gender, the training module for determination of refugee status was also provided to assert that "in several cases it has been seen that women asylum-seekers had suffered persecution on grounds of their sex and subjected to cruel and inhuman treatment for having transgressed the social mores of the society".<sup>18</sup>In July, 1990 the United Nations' Division for the Advancement of Women convened an Expert Group Meeting on Refugee and Displaced Women and Children, with representatives from the United Nations High Commissioner for Refugees, the United Nations Development Fund for Women, the United Nations International Children's Emergency Fund and other relevant organisations and NGOs.<sup>19</sup> It stressed upon the importance of reaffirming and supporting the civil, political, economic, social, and cultural rights of refugee and displaced women through legislation, policies, and initiatives and called

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<sup>15</sup> Katarzyna Grabska, 'Constructing 'modern gendered civilised' women and men: gender-mainstreaming in refugee camps'(2011) 19(1) G&D <<https://www.tandfonline.com/doi/full/10.1080/13552074.2011.554026>>accessed 20 October,2022.

<sup>16</sup> Grabska, *Constructing..* (n. 15).

<sup>17</sup> UNGA, *Refugee Women* (54 XXXIX 1988) <<https://www.unhcr.org/excom/exconc/3ae68c4370/refugee-women.html> > accessed 25 October,2022.

<sup>18</sup> UNHCR, *Determination of Refugee Status Training Manual*, (January 1989) <<https://www.refworld.org/type,TRAININGMANUAL,UNHCR,,3ae6b35c0,0.html>>accessed 22 October, 2022.

<sup>19</sup> UNHCR, *Guidelines on the Protection of Refugee Women* (1991Geneva) <<https://www.unhcr.org/publications/legal/3d4f915e4/guidelines-protection-refugee-women.html> >accessed 21 October, 2022.



for both immediate and long-term increases in aid for female refugees in the areas of health, education, and employment.

Later in 1993 at the World Conference on Human Rights in Vienna, it was mentioned that any abuses of women's rights during times of armed conflict are an affront to the fundamental principles of internationally recognised human rights and humanitarian laws. A section of the report adopted at the Conference focuses specifically on the plight of women and girls who are refugees or have been uprooted from their homes, noting that "in addition to the fears and problems which they share in common with all refugees, women and girls are vulnerable to gender-based discrimination and gender-specific violence and exploitation."<sup>20</sup> The Commission on the Status of Women, at its 41<sup>st</sup> session adopted a resolution<sup>21</sup> on incorporating a gender sensitive approach into all policies and programmes in the United Nations system and also encouraged the Economic and Social Council, at its coordination segment in 1997, to develop specific recommendations to achieve the same and calls on UN High Commissioner for Human Rights to "ensure that the equal status of all human rights of all women and girl children are integrated in UN system-wide activities. Therefore the report titled "Mainstreaming the gender perspective into all policies and programmes in the United Nations system" was formulated to present an overview and lay down recommendations on how to bring gender equality into the mainstream at the international level.<sup>22</sup> It also highlighted the importance of considering gender in contexts where it has not been done previously or done infrequently, such as in socioeconomic areas and activities that fall under the purview of the Council and its subsidiary bodies, at the Secretariat for allocation of funds and steps have been enumerated to ensure the use of gender as a major variable and central to research, planning, policy-making, and institutional development. The gaps that lie between the acceptance of such policies and their implementation in actual program development and operational activities were also addressed and suggested that 'accountability and responsibility' at inter-government and organisation level is essential for institutionalising a gender mainstreaming approach.<sup>23</sup> On the basis of such recommendations, the Standing Committee of UN High Commissioner for Refugees presented a progress report on refugee

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<sup>20</sup> Keiko Osaki, 'When Refugees are Women: Emergence of the Issue on the International Agenda' (1997) 16(4) RW <<https://refuge.journals.yorku.ca/index.php/refuge/article/view/21929/20598>> accessed 21 October, 2022.

<sup>21</sup> UN Women E/1997/27 CSW Report of the forty-first session (CSW 1997) <<https://www.un.org/womenwatch/daw/csw/41sess.htm>> accessed 25 October, 2022.

<sup>22</sup> Secretary-General Economic and Social Council, Mainstreaming the gender perspective into all policies and programmes in the United Nations system (1997 UN).

<<https://www.un.org/esa/documents/ecosoc/docs/1997/e1997-66.htm>> accessed 25 October, 2022.

<sup>23</sup> Osaki, *When..* (n. 20).

women and addressed that “gender focus distinguishes between the practical and strategic needs of refugee women”.<sup>24</sup> The material needs of food, shelter, and primary medical care shall be supplemented with strategic needs that may include capacity-building programs to equip them with the necessary skills, achieving equal participation in all decision-making processes, such as resettlement, return, and reintegration, peace-building processes; and protection from all forms of violence, abuse, and exploitation. It also discussed the distinctive concerns of women in need of asylum with respect to their legal rights to inheritance and property, as well as their need for protection from discriminatory religious practises that are sanctioned by the state.<sup>25</sup>

### ***UNHRC Ensuring Gender Mainstreaming***

With the declaration of 1976-1985 to be the United Nations Decade for Women: Equality, Development and Peace, the UNHCR started focussing upon and analysing the challenges faced by refugee women and since then it’s course of action concerning specific needs of women and girls have changed a lot. Earlier they perceive them as victims who are weak, vulnerable and needs protection but now their focus shifted on empowering them too, roles of both men and women were started being studied to look at bigger problem of gender, and much attention has been paid to promote gender equality. By late 1980s it started even using terminology of mainstreaming refugee women and recognised that in addition to it, specific directions are must to address the existing discrimination and inequality such as Policy on Refugee Women, 1990 set a goal amongst many to "ensure that the different needs and resources of refugee women and refugee men shall be taken into account in programme activities and specific activities for benefit of women considering their cultural or social reasons shall be devised."<sup>26</sup> The main goal is to achieve reintegration of refugee women in society through following actions:-

- Securing greater involvement and participation of refugee women, both as participants and beneficiaries in planning social and economic activities;
- Enhancing their role and status in the community;
- Access to better jobs, education, services, and opportunities in their society;

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<sup>24</sup> UNHCR, *Progress Report on Refugee Women* (1998)  
<<https://www.refworld.org/docid/49997afa0.html>>accessed 28 September 2022.

<sup>25</sup> UNHCR... (n 24).

<sup>26</sup> UNHCR, UNHCR Policy on Refugee Women (1990)  
<<https://www.unhcr.org/protection/women/3ba6186810/unhcrpolicy-on-refugee-women-1990.html>>accessed October 26, 2022.

- Understanding social and family set up of refugee women as to how they interact in families and their issues.

The UNHCR Guidelines on the Protection of Refugee Women, 1991 has further helped in establishing the concept of ‘enhanced protection approach’ and ‘successful assistance efforts’ in main domain of refugee protection laws. It could be seen with the changes introduced in mechanism and behaviour of concerned officials followed while determination of refugee status, stringent application of regional laws for securing protection and enforcement of human rights; and better registration mechanisms to ensure that each individual can obtain his or her own card”.<sup>27</sup> A report titled “Mainstreaming the gender perspective into all policies and programmes in the United Nations system” was formulated to present an overview and lay down recommendations on how to bring gender equality into the mainstream at the international level.<sup>28</sup> It also highlighted the importance of considering gender in contexts where it has not been done previously or done infrequently, such as in socioeconomic areas and activities that fall under the purview of the Council and its subsidiary bodies, at the Secretariat for allocation of funds and steps have been enumerated to ensure the use of gender as a major variable and central to research, planning, policy-making, and institutional development. The gaps that lie between the acceptance of such policies and their implementation in actual program development and operational activities were also addressed and suggested that ‘accountability and responsibility’ at inter-government and organisation level is essential for institutionalising a gender mainstreaming approach.<sup>29</sup> On the basis of such recommendations, the Standing Committee of UN High Commissioner for Refugees presented a progress report on refugee women and addressed that “gender focus distinguishes between the practical and strategic needs of refugee women”.<sup>30</sup> The material needs of food, shelter, and primary medical care shall be supplemented with strategic needs that may include capacity-building programs to equip them with the necessary skills, achieving equal participation in all decision-making processes, such as resettlement, return, and reintegration, peace-building processes; and protection from all forms of violence, abuse, and exploitation. It also discussed the distinctive concerns of women in need of asylum with respect to their

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<sup>27</sup> Dr. Pradip Kumar Das & Tanmoy Roy, ‘Women Refugees and Their Unrecognised Plights in International Refugee Law Regime: A Critical Analysis’ [2010] IJLJ 78, 80.

<sup>28</sup> Ibid (n. 22).

<sup>29</sup> Dr. Pradeep, *Women..*(n. 27).

<sup>30</sup> UNHCR (n. 26).

legal rights to inheritance and property, as well as their need for protection from discriminatory religious practises that are sanctioned by the state.<sup>31</sup>

With beginning of 1998, the UNHCR had for once and all shifted its strategy from focusing only on women to focusing on both men and women and a plan was made for mainstreaming gender equality into its protection and programs. The main objective of this plan was to ensure that all protection programs and activities shall be analysed to determine how these affect men and women and includes strategies to fix any discrimination; to make sure that there is a gender-sensitive culture and that staff are able to use gender relation analysis for devising up with plans to reduce inequalities.<sup>32</sup> In 2008, UNHCR made a Handbook for the Protection of Women and Girls to replace the 1991 Guidelines on the Protection of Women and stresses upon the fact of using Age, Gender, and Diversity to achieve gender equality. The rules and criteria were laid down that UNHCR and its partners should take to help women and girls enjoy their rights. However in 2010, when UNHCR asked for an evaluation of AGDM, it was found that, "while important gains have been made to date, the mainstreaming process is far from complete, and the gains made so far are not yet sustainable over the longer term."<sup>33</sup>

### ***Conclusion & Suggestion***

The task of ensuring gender sensitive refugee policies and protection program is complex and multidimensional and can't be addressed in isolation. To achieve it, one must begin with addressing the intersectional layers of discrimination and oppression a refugee woman goes through in her journey to a safe place and systematic failure of international refugee protection mechanism in preventing occurrence of the same. It is often stated that the term refugee women is enough to explain all the trauma she has been put to and sexual violence, abuse she faced while seeking asylum in host Nation. In the beginning not much had been done to look beneath it as to why, when and how a gender has become root cause of all hardships and distinct challenges that a woman faces when compared to men. However later

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<sup>31</sup> Mariastella Pulvirenti & Gail Mason, 'Resilience and Survival: Refugee Women and Violence' (2011) CICJ 37(45) < <https://www.tandfonline.com/doi/abs/10.1080/10345329.2011.12035908>>accessed 27 October, 2022.

<sup>32</sup> UNHCR, Policy on Refugee Women and Guidelines on Their Protection: An Assessment of Ten Years of Implementation (Women's Commission for Refugee Women and Children, May 2002). <<https://www.refworld.org/pdfid/48aa83220.pdf>>accessed 27 October,2022.

<sup>33</sup> Nahla Valji, 'Where Are the Women? Gender Discrimination in Refugee Policies and Practices' (2003) AEWGE 61(69). <[https://www.jstor.org/stable/pdf/4066300.pdf?refreqid=excelsior%3A2432d76ebd816002f5d7e18db986bf91&ab\\_segments=&origin=&acceptTC=1](https://www.jstor.org/stable/pdf/4066300.pdf?refreqid=excelsior%3A2432d76ebd816002f5d7e18db986bf91&ab_segments=&origin=&acceptTC=1)>accessed> 28 October,2022.

with all pressure from women self-help groups and other organisations, efforts have been made to address and acknowledge the gender based discrimination and even persecution forcing young girls and women, single or accompanied to uproot themselves from their habitats. To describe their agony and pain following words by a Sudanese Woman resettled in Australia are best suited.

*“Who am I? I am a refugee. I am ...  
a dirty woman, hopeless, a hungry person, an ignorant person,  
a troublesome person, yet again another burden for the world to feed,  
another burden for the world to care,  
that is who they say we are ...BUT  
being a refugee is not by choice, if it is a choice I wouldn't be a refugee anywhere.  
Looking at myself, I believe I am not a victim,  
but I am a survivor, a very strong person, a refugee woman.”<sup>34</sup>*

The strong character and attitude of refugee women has actually made international community conscious of their experiences. The women coming out and sharing their experiences has reflected upon the issue of gender inequality and its effects that were quite visible during migration. Massive changes were then brought in policies and protection programs and representation were given to refugee women during decision making process. However, their voices remain unheard amidst the chaos of patriarchal society. No doubt developments have been made in international refugee law and humanitarian law as well as in State practices concerning gender sensitive interpretation of provisions of 1951 convention and related policies but still a lot needs to be done.

### ***Summary of Suggestions***

- The refugee identification, protection, rehabilitation programs and policies should be aligned with gender sensitive approach and attention must be paid to the role a ‘gender’ in emergency practices. It has to be understood that the concept of gender mainstreaming goes beyond sole identification of violence and discrimination against women and girls. An awareness drive should be launched time and again at international and regional level so that people who are actually drivers and

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<sup>34</sup> Pittaway E and Pittaway E, “Refugee Woman’: A Dangerous Label” (2017) Australian Journal of Human Rights 119 <<https://www.tandfonline.com/doi/abs/10.1080/1323238X.2004.11910773>> accessed 27 October, 2022.

beneficiaries could be able to understand the implications of denying the gender gap in policies.

- No policy or guidelines could achieve anything until masses are sensitised towards the distinct challenges that a refugee woman faces before, during and after her transit. After creating consciousness among society, next step is to chalk out strategies where they can contribute by helping those women who have survived perils of such gruesome journey and to ensure that others shall not be met with the same fate. The Emergency responds team at the National and Regional level in host Countries shall be created and people from all sectors should be made part of them with clear aim that both gender i.e. men and women in need of aid and assistance shall be taken care of without any prejudice or bias towards one gender.
- In order to achieve gender mainstreaming, an analysis based on segregated data of gender, age and diversity should be made and a participatory approach shall be adopted to ensure that all stakeholders shall be consulted. One of the reasons that refugee women and girls remain invisible in humanitarian aid process is unavailability of data with the country providing them asylum. It has been seen that women sometimes tend to stay in shadow of their male counterparts; girls fleeing their home unaccompanied generally hide their actual age to avoid legal rampant and therefore remain unacknowledged even during identification process to provide refugee status. Now to make sure that they have adequate representation in evaluation and decision process, first they need to be identified and therefore specialised agencies can also be made who will carry out such drills, collect information and amendments at State level policies should also be made to consider women who have flee to escape gender related persecution and when they have gone against traditional norms of society such as one we are witnessing now a days in Iran where women have been fighting against conservative mores of society and if they tend to seek refuge in other countries then provision should be made to incorporate them too under definition of refugee in 1951 convention of refugee.
- The gender sensitisation shall also need to be done amongst members and staff of institutions that are responsible for helping refugee communities. Induction programs

and training of employees in consonance of gender equality principles shall be done and they shall be equipped with necessary skills to respond in time of crisis. The provisions shall be made to check that services should be given to everyone, regardless of whether or not they are registered with UNHCR, to make sure that the most vulnerable people and families get help and priority must be given to vulnerable group such as pregnant or nursing women, the elderly and people with disabilities.

- The educational opportunities shall be provided to at every level to refugee women and girls. It's important to remember that the fact that they can't read or write and don't know what their rights are makes it harder for them to get their claims and complaints heard. So, refugee girls who don't show up to school and who drop out of school at higher rates should be closely watched and checked. The provisions of regular health check-up shall be made at camps only and considering that there might have been different social structure at their country of origin where women are not allowed to appear or participate in public gatherings, their inhibitions on being assessed by male medical practitioner should be understood and therefore more female medical practitioners and attendants should be employed at asylum or camps.
- The strict actions shall be taken to ensure that refugee camps or asylum can afford a dignified and safe life to refugees. In order to achieve that, specialised panels must be established and help from local police, social workers, educational institutions should be availed. For example, in case of India, in order to check that no violence is committed upon women at camps, necessary help from State Women Commission, State Human Rights commissions and various NGOs should be taken and educational institutions must be engaged for rehabilitative aid where students can be engaged. In addition to agencies already working, regional statutory bodies like mentioned above must be called to action.